

REMARKS

The Office Action dated October 17, 2005 has been fully considered by the Applicant.

Attached is a Request for Three-Month Extension of Time. Enclosed is a check in the amount of \$1020 to cover the extension fee.

Claims 1, 3-18 are currently amended. Claim 2 has been canceled. Claim 19 has been added.

Claim 1, 3-18 has been rejected under 35 USC 103(a) as being unpatentable over United States Patent No. 6,501,514 to Townsend et al in view of United States Patent No. 6,317,882 to Robbins. Reconsideration of the rejection is requested.

Applicant's independent claim 1 provides that when a selected viewing program is part of a series of programs, at a pre-determined time during or at the end of the selected program, an indication is generated by the broadcast data receiver to inform the viewer of details of the scheduled display of the next episode in the series of programs and the indication of when the next episode is being shown is based on information provided in a text display in the display screen.

With reference to the '514 Townsend et al patent, Examiner Natnael states:

One feature that is provided by this scheduling information is the ability to 'link' various events whereby when the user select one TV programming event for scheduled display/reception, the viewer is provided with prompts alerting him/her to related events which may also be selected for scheduled display/reception (e.g. subsequent episodes of a series).

However, such prompting which alerts the user of the '514 Townsend patent happens when the user is selecting movies to be included in a customized channel and not as in Applicant's invention when viewing a program which is a part of a series of programs. It is not necessary for the user of Applicant's invention to design a customized channel to be informed of details of scheduled

display of the next episode in the series of programs. In Applicant's invention the user is viewing a serial program and at a pre-determined time point during or at the end of the selected program an indication is generated by the broadcast data receiver to inform the viewer of the details of the scheduled display of the next episode in the series of programs and is based on information provided in a text display in the display screen. Clearly, the '514 Townsend patent does not teach or suggest Applicant's invention and therefore is novel over the '514 Townsend patent.

The '882 Robbins patent is directed toward a system for automatically reminding a user of an upcoming program by way of advertisements of another program that is broadcast. The program that is broadcast may be any type of program such as for example another syndicated situation comedy; a different episode of the current program. The reminder system in the Robbins patent is activated by a system that will detect and store an ID code that is broadcast with a commercial of the program that is broadcast, wherein the ID code corresponds to the program that is broadcast (see col 5. lines 51-67 and Col 6. lines 1-11). Applicant's invention does not rely upon ID codes embedded in advertisements that are broadcast during programming. In Applicant's invention the data processed by the receiver allows video and/or text to be selectively viewed on the display screen and the video and/or text can be selected includes details of programs available for selection by a viewer. The user of Applicant's invention does not need to wait for advertisements having ID codes therein to program reminders. Therefore, Applicant believes claims 1, 3-18 are novel over the cited references and respectfully requests reconsideration of the rejection.

Applicant does not believe that one skilled in the art would combine the teaching of the '514 patent to Townsend with the '882 Robbins patent to resolve the problems solved by Applicant's invention. It is improper to combine references to achieve the invention under consideration unless there is some incentive or suggestion in the references to do so.

The Court of Appeals for the Federal Circuit has repeatedly held that under Section 103, teachings from various references can be combined only if there is some suggestion or incentive to do so. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F2d 1572, 221 USPQ 929 (CAFC 1984).

Stated another way:

It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed invention, using the applicant's structure as a template and selecting elements from references to fill the gaps...The references themselves must provide some teaching whereby the applicant's combination would have been obvious. In re Gorman, 18 USPQ2d 1885 (CAFC 1991).

In the present invention, there is no suggestion in the references to combine the teachings of Townsend et al Patent No. 6,501,514 with the teachings of the Robbins patent No. 6,317,882. The Examiner is required to follow the law as set forth by the Federal Circuit. In summary, the combination of patents to achieve the claims of the present invention is untenable.

New claim 19 includes as a part thereof that when a selected program is part of a series of programs, at a pre-determined time point during or at the end of the selected program, an indication is generated by the broadcast data receiver to inform the viewer of the details of the scheduled display of the next episode of the series of programs and is based on information provided in a text display in said display screen and when said broadcast data receiver detects the end of the selected program and said broadcast data receiver searches, or has already searched, through an electronic program guide data in the broadcast data receiver to identify the scheduled showing of the next episode of the program series an indication is generated.

None of the cited references provide for when a broadcast data receiver detects the end of the selected program and the broadcast data receiver searches, or has already searched, through an electronic program guide data in the broadcast data receiver to identify the scheduled showing of the next episode of the program series an indication is generated. Therefore, Applicant sincerely believes that new claim 19 is novel over the cited references and respectfully requests reconsideration of the rejection.

It is believed that the application is now in condition for allowance and such action is earnestly solicited. If any further issues remain, a telephone conference with the Examiner is requested. If any further fees are associated with this action, please charge Deposit Account No. 08-1500.

Respectfully Submitted

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